

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8348 of 2016

ORDER:

Heard Sri D. Vijaya Kumar, learned counsel for the petitioner, and Sri P. Kesava Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue any writ, or order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondent No 2 to 4 for not considering the petitioner representation dated 11-05-2015, 14-09-2015 and 09-10-2015 while granting the sanctioned permission for constructions and against the illegal construction raised by the unofficial respondents No 5 to 7 over the premises bearing number 1-3-387/3/3 and 1-1-387/2, Situated at New Bakaram, Gandhinagar Hyderabad is questioned in this present writ petition as being arbitrary, illegal and violative of Article 14, 21 and 300-A of the Constitution of India and in contravention to the GHMC Act and Rules there under. Consequently direct the respondent no 2 to 4 to suspend the sanctioned permission vide permit No 43959/DC/C2/CIR-9/@015 dated 05-08-2015 in respect of the premises bearing number 1-3-387/3/3 and 1-1-387/2, Situated at New Bakaram, Gandhinagar Hyderabad and pass such other order or orders as deemed fit and proper.”

It appears that the petitioner made representations dated 11.05.2015, 14.09.2015 and 09.10.2015 to the authorities of the Greater Hyderabad Municipal Corporation and the same are pending consideration.

In the light of the order proposed to be passed by this Court, there is no necessity to put the unofficial respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 11.05.2015, 14.09.2015 and 09.10.2015 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations and take action thereon, if warranted, in accordance with the due procedure. In this exercise, the authority would necessarily have to give an opportunity of hearing to all the parties who would be affected by any decision taken upon the petitioner's representations. Adhering to this procedure, the authority concerned shall duly consider the petitioner's representations dated 11.05.2015, 14.09.2015 and 09.10.2015 and take appropriate action in the matter, if warranted, in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

15th March, 2016
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